

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES MELVILLE HASKIN,)
)
Petitioner,) Case No. 1:22-cv-36-SPB-RAL
)
v.)
)
COMMONWEALTH OF)
PENNSYLVANIA, <i>et al.</i> ,)
)
Respondents.)

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was received by the Clerk of Court on February 1, 2022 and referred to Chief United States Magistrate Judge Richard A. Lanzillo, for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72. The petition was filed by the Clerk on April 8, 2022, ECF No. 4, and, on September 16, 2022, the Respondents filed their answer. ECF No. 21.

On June 14, 2024, Chief Magistrate Judge Lanzillo issued an R&R recommending that the petition be denied as untimely and that no certificate of appealability issue. ECF No. [24]. Objections to the Report and Recommendation were due to be filed no later than July 1, 2024. To date, no objections have been received.

After *de novo* review of the petition and documents in the case, including the Respondents’ answer to the petition and the Chief Magistrate Judge’s Report and Recommendation,

IT IS ORDERED, this 17th day of July, 2024, that the within petition for a writ of habeas corpus shall be, and hereby is, DISMISSED as untimely.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, issued on June 14, 2024, ECF No. [24], is adopted as the opinion of this Court.

Because jurists of reason would not find it debatable whether Petitioner failed to file his petition in a timely manner, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge